

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KRISTINA CHETWOOD, and SANDRA
CASTELLON-GONZALEZ, individually,
and on behalf of others similarly situated,

Plaintiffs,

v.

T- MOBILE USA, INC.

Defendant.

No. 2:19-cv-00458-RSL

**STIPULATION AND ORDER
REGARDING USE AND
PROTECTION OF PERSONAL
IDENTIFYING INFORMATION**

STIPULATION

WHEREAS, the Court entered the *Order Granting in Part Plaintiffs' Motion for Conditional Certification* (Doc. # 35) on April 7, 2020 (the "Order").

WHEREAS, the Order requires Defendant T-Mobile USA, Inc. ("T-Mobile") to "produce to plaintiffs the names, last known addresses, and email addresses of all 'similarly situated' Associate Experts, Experts, and Senior Experts within 21 days of this Order, so that plaintiffs may notify them of the collective action." Order at p. 9.¹

WHEREAS, the Order requires the production of personal identifying information regarding current and former T-Mobile employees who are potential opt-in plaintiffs in the

¹ The date for T-Mobile to provide this information was subsequently extended to May 19, 2020, pursuant to the *Stipulated Motion and Order to Extend Dates Related to Conditionally Certified Collective Action* (Doc. # 39).

1 collective action (the “Potential Opt-In Plaintiff Information”) that has been conditionally
2 certified by the Court’s Order (the “Collective Action”), though such individuals are not
3 parties in this litigation unless and until they choose to opt in.

4 WHEREAS, such individuals have a legitimate privacy interest in the Potential Opt-In
5 Plaintiff Information. *Morden v. T-Mobile USA, Inc.*, Case No. 2:05-cv-02112-RSM, Order
6 Granting Motion for Protective Order (Dkt. 235) (W.D. Wash. Nov. 13, 2006).

7 WHEREAS, plaintiffs’ counsel has provided assurances that any contact information
8 will be used solely to manage the notice process authorized by this Court and for no other
9 purpose.

10 THEREFORE, based on the foregoing, the parties stipulate as follows:

11 1. The parties agree that the Potential Opt-In Plaintiff Information: (a) shall be
12 protected from disclosure; (b) shall be disclosed only to Plaintiffs’ counsel (and their staff)
13 and the duly appointed notice administrator (the “Notice Administrator”); (c) shall not be used
14 for purposes outside this litigation; (d) shall not be used by Plaintiffs’ counsel (or their staff)
15 to initiate contact with any potential opt-in plaintiff or for any other purpose outside of the
16 notice process, unless and until such person has become a plaintiff in the Collective Action
17 through the opt-in process approved by the Court; and (e) for individuals who do not opt into
18 this action, shall not be accessed or used for any purpose after the notice and opt-in period
19 closes and the opt-in plaintiff list is finalized.

20 2. Plaintiffs’ counsel, in addition to providing the Potential Opt-In Plaintiff
21 Information to the Notice Administrator, has a reasonable need to have access to this
22 information for purposes of working with the Notice Administrator and T-Mobile’s counsel to
23 attempt to locate and provide notice to the potential opt-in plaintiffs and to resolve questions
24 that might arise regarding the identity or contact information of any such persons.

3. T-Mobile is willing to provide the Potential Opt-In Plaintiff Information to Plaintiff's counsel and the Notice Administrator, provided the information is protected by an appropriate order of this Court.

4. The Parties thus stipulate and request the Court enter the below Order regarding the use and protection of the Potential Opt-in Plaintiff Information.

DATED this 13th day of May, 2020.

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ORDER

Having considered the foregoing, IT IS HEREBY ORDERED as follows:

1. Plaintiffs' counsel and the Notice Administrator shall have access to the Potential Opt-In Plaintiff Information, but shall protect such information from disclosure to any third party other than the Notice Administrator, and shall only use such information for legitimate purposes related to the notice process and this litigation as specified below.

2. Plaintiffs' counsel shall not use the Potential Opt-In Plaintiff Information to initiate contact with any potential opt-in plaintiff (nor will Plaintiffs' counsel use any third party to do so, excepting the Notice Administrator's handling of the Court-approved notice process), unless and until such person has become a plaintiff in the Collective Action through the opt-in process approved by the Court.

3. After the notice and opt-in period closes and the opt-in plaintiff list is finalized, plaintiffs' counsel and the Notice Administrator shall delete or take measures to seal and shall not access the Potential Opt-In Plaintiff Information pertaining to any individual who does not opt to join in the Collective Action.

4. Plaintiffs' counsel and the Notice Administrator are directed to and shall take appropriate measures to protect Potential Opt-In Plaintiff Information from disclosure, shall provide defendant with at least ten (10) days notice of any request or demand to disclose such information, and shall not disclose such information unless disclosure is required by law.

IT IS SO ORDERED.

DATED this 14th day of May 2020.



Hon. Robert S. Lasnik
United States District Judge